# RULES GOVERNING THE PROCEDURES OF THE LIQUOR CONTROL BOARD OF REVIEW KANSAS CITY, MISSOURI

## **ARTICLE I**

Authority and Power of the Board

The authority and powers of the Liquor Control Board of Review are contained in Section 10 of the Code of Ordinance of Kansas City, Missouri.

## **ARTICLE II**

Organization and Structure of the Board

## A. Membership

The Liquor Control Board of Review, Kansas City, Missouri, consists of five regular members of which two are attorneys licensed to practice in Missouri and two alternate members. All vacancies are filled by the Mayor.

### B. Officers and Duties of Officers

- 1. The Board shall elect a Chairman and a Vice-Chairman annually at the first meeting in the month of May. The Chairman shall be eligible to succeed himself only one additional term.
- 2. The Chairman, or in his absence or disability, the Vice-Chairman, shall serve as presiding officer at all meetings and hearings of the Board. In the absence or disability of both the Chairman and Vice-Chairman, an Acting Chairman shall be selected by the members of the Board present.
- 3. The presiding officer shall decide all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Board present. Robert's Rules of Order, revised edition, shall apply unless otherwise provided.
- 4. The Chairman shall report at any meeting on any official transaction taking place that has not come to the attention of the Board as a whole.
- 5. The Chairman shall appoint, upon approval of the Board, any committees found necessary to investigate any matters before the Board.

## **ARTICLE III**

## **Duties and Quorum**

#### A. Duties

- 1. The Board shall hear appeals for the disapproval of applications for an original license or permit or the renewal or transfer of location of an existing license, or for change of ownership or change of management or control of business.
- 2. The Board shall hear cases by an eligible consenter who disputes the approval of license or permit or location of the premise purported to be used for the sale of alcoholic beverages or C.O.L. as defined by Chapter 10 or the Code
- 3. The Board shall hear cases wherein the Director seeks to suspend or revoke a license or permit.
- 4. The Board shall undertake any other activities required of it by ordinance or resolution of the City Council.

# **ARTICLE IV**

# **Hearing Procedures**

#### A. Notice Procedures

- 1. Notices of all hearings before the Board shall be sent, by United States Mail, postage prepaid, to the person appealing, all Board members, and attorney for the Board.
- 2. The notice shall contain the following information: date of mailing, date and place of hearing.
- 3. The notices shall be mailed not later than ten (10) calendar days preceding the hearing.
- 4. In order to request a continuance, a request must be made in writing and sent to both the Manager of Regulated Industries as well as the Attorney representing Regulated Industries. In order for a continuance to be considered, the request must be received by both the Manager of Regulated Industries as well as the Attorney representing Regulated Industries a minimum of seven days prior to the scheduled date of the hearing.

## B. Conduct of Hearing

- 1. All proceedings of the Liquor Control Board of Review shall be taken down stenographical or recorded mechanically or electronically or combination thereof
- 2. The order of presentation for a hearing and suggested time for each component is:
  - a. Opening Statement
    - i. Regulated Industries Investigator 3 minutes
    - ii. Appellant 3 minutes
  - b. Report of the Regulated Industries Investigator with witnesses 20 minutes
    - i. Cross examination by Appellant 5 minutes
  - c. Party who is appealing with any witnesses by the Appealing Party 20 minutes
    - i. Cross examination by Regulated Industries 5 minutes
  - d. Any comments from general public
  - e. Closing statements
    - i. Regulated Industries Investigator 2 minutes
    - ii. Appellant 2 minutes

Should any party require additional time, it may request additional time from the Chairman.

- 3. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- 4. No hearing attendee shall interrupt the testimony of an individual unless one of the parties is objecting to the testimony.
- 5. All parties that wish to speak shall sign in on a speaker's sheet. The sheet shall provide a column for "In Support of Regulated Industries Decision" or "Against Regulated Industries Decision."
- 6. Oral evidence shall be taken only on oath or affirmation.
- 7. The Board encourages each party to stipulate to certain exhibits, such as certified copies of ordinances, applications to Regulated Industries, or any other noncontroversial documents. Any stipulated exhibits shall be provided to the five (5) Board members at the beginning of the Board meeting. A copy of the stipulated exhibits should be provided to the other party.
- 8. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- 9. Irrelevant and unduly repetitious evidence shall be excluded.
- 10. Each party shall have these rights and privileges:

- a. to call and examine witnesses on any matter relevant to the issues of the hearing:
- b. to introduce documentary and physical evidence;
- c. to question opposing witnesses on any matter relevant to the issues of the hearing;
- d. to represent himself or to be represented by counsel.
- 11. Board members may ask questions of parties at any time during the hearing.
- 12. Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same or at instance of the Board, nevertheless be heard and preserved in the record as if no objection had been made unless it is irrelevant, repetitious, privileged, or otherwise inappropriate.
- 13. Copies of writings, documents and records shall be admissible without proof that the original thereof cannot be produced if it appear by testimony or otherwise that the copy offered is a true copy of the original. If the Board sustains any objection to evidence, which would be sustained were the proffered evidence offered in a civil action in the Civil Court, the party offering in such evidence shall be given reasonable opportunity to establish the facts sought to be proved by the excluded evidence.
- 14. In any other matter or procedure, the Board shall take notice of any appropriate provisions of Chapter 536 RSMo., the Missouri Administrative Procedure and Review Act.
- 15. All items scheduled for hearing shall be acted upon on the day they are heard. Action shall be any one of the following: denial, approval, continuance, taking the matter under advisement, withdrawal or any other action required to do the work of the Board in a fair and complete manner.
- 16. The Board must have a concurring vote of at least three (3) members of the Board in order to overturn a decision or determination of the Director of Neighborhood and Community Services.

## C. Method and Form of Decision

- 1. No member of the Board who had not been present to hear all of the testimony shall vote or participate in deliberations.
- 2. The decision shall be in writing and shall be mailed to the applicant within thirty (30) calendar days of the final hearing. The parties may agree to an extension which shall not exceed thirty (30) days.
- 3. The Board may stay enforcement of the order for a period of time not to exceed thirty (30) days pending the filing or final disposition of proceedings for judicial review.